



Health Care Availability and Access Committee

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09500HB0813ham001

LRB095 09713 DRJ 32467 a

1 AMENDMENT TO HOUSE BILL 813

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 813 by replacing all  
3 of Sections 1 through 35 with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Cancer Drug Repository Program Act.

6 Section 5. Definitions. In this Act:

7 "Cancer drug" means a prescription drug that is used to  
8 treat any of the following:

9 (1) Cancer or side effects of cancer.

10 (2) The side effects of any prescription drug that is  
11 used to treat cancer or side effects of cancer.

12 "Department" means the Department of Public Health.

13 "Dispense" has the meaning given to that term in the  
14 Pharmacy Practice Act of 1987.

15 "Pharmacist" means an individual licensed to engage in the  
16 practice of pharmacy under the Pharmacy Practice Act of 1987.

1           "Pharmacy" means a pharmacy registered in this State under  
2 the Pharmacy Practice Act of 1987.

3           "Practitioner" means a person licensed in this State to  
4 prescribe and administer drugs or licensed in another state and  
5 recognized by this State as a person authorized to prescribe  
6 and administer drugs.

7           "Prescription drug" means any prescribed drug that may be  
8 legally dispensed by a pharmacy.

9           "Program" means the cancer drug repository program  
10 established under this Act.

11           Section 10. Cancer drug repository program. The Department  
12 shall establish and maintain a cancer drug repository program,  
13 under which any person may donate a cancer drug or supplies  
14 needed to administer a cancer drug for use by an individual who  
15 meets eligibility criteria specified by the Department in  
16 rules. Donations may be made on the premises of a pharmacy that  
17 elects to participate in the program and meets requirements  
18 specified by the Department in rules. The pharmacy may charge  
19 an individual who receives a cancer drug or supplies needed to  
20 administer a cancer drug under this Act a handling fee that may  
21 not exceed the amount specified by the Department in rules. A  
22 pharmacy that receives a donated cancer drug or supplies needed  
23 to administer a cancer drug under this Act may distribute the  
24 cancer drug or supplies to another eligible pharmacy for use  
25 under the program.

1           Section 15. Requirements for accepting and dispensing  
2 cancer drugs and supplies. A cancer drug or supplies needed to  
3 administer a cancer drug may be accepted and dispensed under  
4 the program only if all of the following requirements are met:

5           (1) The cancer drug or supplies needed to administer a  
6 cancer drug are in their original, unopened, sealed, and  
7 tamper-evident unit-dose packaging or, if packaged in  
8 single-unit doses, the single-unit-dose packaging is  
9 unopened.

10          (2) The cancer drug bears an expiration date that is  
11 later than 6 months after the date that the drug was  
12 donated.

13          (3) The cancer drug or supplies needed to administer a  
14 cancer drug are not adulterated or misbranded, as  
15 determined by a pharmacist employed by, or under contract  
16 with, the pharmacy where the drug or supplies are accepted  
17 or dispensed. The pharmacist must inspect the drug or  
18 supplies before the drug or supplies are dispensed.

19          (4) The cancer drug or supplies needed to administer a  
20 cancer drug are prescribed by a practitioner for use by an  
21 eligible individual.

22           Section 20. Resale of donated drugs or supplies prohibited.  
23 No cancer drug or supplies needed to administer a cancer drug  
24 that are donated for use under this Act may be resold.

1           Section 25. Participation in program not required. Nothing  
2 in this Act requires that a pharmacy or pharmacist participate  
3 in the cancer drug repository program.

4           Section 30. Immunity.

5           (a) Unless the manufacturer's conduct is wilful and wanton,  
6 a manufacturer of a drug or supply is not subject to criminal  
7 or civil liability for injury, death, or loss to a person or  
8 property for matters related to the donation, acceptance, or  
9 dispensing of a cancer drug or supply manufactured by the  
10 manufacturer that is donated by any person under this Act.

11           (b) Unless the person's conduct is wilful and wanton, a  
12 person is immune from civil liability for injury to or the  
13 death of the individual to whom the cancer drug or supply is  
14 dispensed and may not be found guilty of unprofessional conduct  
15 for his or her acts or omissions related to donating,  
16 accepting, distributing, or dispensing a cancer drug or supply  
17 under this Act.

18           Section 35. Rules. The Department shall adopt all of the  
19 following as rules:

20           (1) Requirements for pharmacies to accept and dispense  
21 donated cancer drugs or supplies needed to administer  
22 cancer drugs under this Act, including all of the  
23 following:

1 (A) Eligibility criteria.

2 (B) Standards and procedures for accepting, safely  
3 storing, and dispensing donated cancer drugs or  
4 supplies needed to administer cancer drugs.

5 (C) Standards and procedures for inspecting  
6 donated cancer drugs or supplies needed to administer  
7 cancer drugs to determine whether the drugs or supplies  
8 are in their original, unopened, sealed, and  
9 tamper-evident unit-dose packaging or, if packaged in  
10 single-unit doses, the single-unit-dose packaging is  
11 unopened.

12 (D) Standards and procedures for inspecting  
13 donated cancer drugs or supplies needed to administer  
14 cancer drugs to determine that the drugs or supplies  
15 needed to administer cancer drugs are not adulterated  
16 or misbranded.

17 (2) Eligibility criteria for individuals to receive  
18 donated cancer drugs or supplies needed to administer  
19 cancer drugs dispensed under the cancer drug repository  
20 program. The standards shall prioritize dispensation to  
21 individuals who are uninsured or indigent but must permit  
22 dispensation to others if an uninsured or indigent  
23 individual is unavailable.

24 (3) A means, such as an identification card, by which  
25 an individual who is eligible to receive a donated cancer  
26 drug or supplies needed to administer a cancer drug may

1 indicate that eligibility.

2 (4) Necessary forms for administration of the cancer  
3 drug repository program, including forms for use by persons  
4 that donate, accept, distribute, or dispense cancer drugs  
5 or supplies needed to administer cancer drugs under the  
6 program.

7 (5) The maximum handling fee that a pharmacy may charge  
8 for accepting, distributing, or dispensing donated cancer  
9 drugs or supplies needed to administer cancer drugs.

10 (6) A list of cancer drugs and supplies needed to  
11 administer cancer drugs, arranged by category or by  
12 individual cancer drug or supply, that the cancer drug  
13 repository program will accept for dispensing.

14 (7) A list of cancer drugs and supplies needed to  
15 administer cancer drugs, arranged by category or by  
16 individual cancer drug or supply, that the cancer drug  
17 repository program will not accept for dispensing. The list  
18 must include a statement that specifies the reason that the  
19 drug or supplies are ineligible for donation.

20 The Department may also adopt any other rules deemed  
21 necessary to implement this Act.".